

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
100 EAST FIFTH STREET, ROOM #324
CINCINNATI, OHIO 45202

OFFICIAL BUSINESS



A INSUFFICIENT ADDRESS
C ATTEMPTED NOT KNOWN
S NO SUCH NUMBER/ STREET
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

45202-3376 45

Steven H Trent
Baker, Donelson, Bearman & Caldwell
207 Mockingbird Lane
Suite 300
P O Box 3038

Orders on Motions

1:01-cv-00425-HJW Lunan, et al v. Mycom Group Inc, et al

RECEIVED

U.S. District Court

SEP 23 2004

Southern District of Ohio

**JAMES BONINI, Clerk
CINCINNATI, OHIO**

Notice of Electronic Filing

The following transaction was received from ph, entered on 9/20/2004 at 8:35 AM EDT and filed on 9/20/2004

Case Name: Lunan, et al v. Mycom Group Inc, et al

Case Number: 1:01-cv-425

Filer:

Document Number: 63

Docket Text:

ORDER denying [60] Motion to Strike; Plaintiff's are directed to file within 15 days any additional post-trial memorandum that they deem necessary in order to justify the supplemental proposed findings of fact and conclusions of law they previously submitted (see [59]& [61]); Court will hold this matter under advisement pending receipt of such memorandum. Signed by Judge Herman J. Weber on 9/20/04. (ph,)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1040326259 [Date=9/20/2004] [FileNumber=378989-0]
[463468db3557719b350db60d0fbfada9309508dcfb8d54822a5adbb2f2680dced68b
3beece53e127bce99314ba854e87e7c7490f6d1f592dddaed236df9bfe45]]

1:01-cv-425 Notice will be electronically mailed to:

Matthew D Davison mdavison@bakerdonelson.com,

James Michael Moore jmoore@lindhorstlaw.com,

Stephen Alan Watring SAW@DMFDayton.com,

1:01-cv-425 Notice will not be electronically mailed to:

Suzanne H Bauknight
Baker Donelson Bearman & Caldwell - 1
2200 Riverview Tower
900 S Gay Street
Knoxville, TN 37902

Larry Lunan
2344 Woodridge Avenue
Kingsport, TN 37664

Susan Lunan
2344 Woodridge Avenue
Kingsport, TN 37664

Steven H Trent
Baker, Donelson, Bearman & Caldwell
207 Mockingbird Lane
Suite 300
P O Box 3038
Johnson City, TN 37602

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LARRY LUNAN, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
MYCOM GROUP, INC., et al.,	:	
	:	
Defendants.	:	

Case No. C-01-425

ORDER

This matter is before the Court upon Plaintiffs' motion to strike Defendants' post-trial brief. (Doc. 60). Plaintiffs argue that Defendants' post-trial brief (Doc. 58) goes beyond the "embellish[ed] . . . statement of facts" and "additional conclusions of law" that this Court authorized at the time of closing argument in the trial of this matter. (*See Trial Transcript, p. 276*). In response, Defendants urge that their post-trial brief merely "substantiate[s their] submissions" of amended proposed findings of fact and conclusions of law (Doc. 62, p. 1), in accordance with the Court's acknowledgment that the parties could submit materials to "justify" such conclusions. (*See Trial Transcript, p. 276*).

Although Defendants' brief may exceed the scope contemplated by the Court, Plaintiffs implicitly acknowledge that they would not be prejudiced thereby if "given the same opportunity to file a Post-Trial Brief." (Doc. 60, p. 2).

IT THEREFORE IS ORDERED that Plaintiffs' motion to strike (Doc. 60) hereby is

DENIED. Plaintiffs hereby are DIRECTED to file, within 15 days of the date of this order, any additional post-trial memorandum that they deem necessary in order to justify the supplemental proposed findings of fact and conclusions of law they previously submitted. (See Docs. 59, 61).

The Court will hold this matter under advisement pending receipt of such memorandum.

IT IS SO ORDERED.

s/ Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court

J:\HJWF\01-425.str.wpd